

and light-duty truck topcoat and final repair coatings in Delaware Regulation No. XXIV, section 9 should be constructed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7642.

Dated: September 12, 1990.

Edwin B. Erickson,

Regional Administrator.

[FR Doc. 90-22437 Filed 9-20-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[FRL 3832-4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Whitehall Municipal Wells site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region V announces its intent to delete the Whitehall Municipal Wells site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), as amended by section 105 of the Superfund Amendments and Reauthorization Act of 1986 (SARA). As specified in the NPL, it has been determined that all Fund-financed responses under CERCLA have been implemented. EPA, in consultation with the State of Michigan, has determined that no cleanup is

appropriate. The purpose of this notice is to request public comment on the intent to EPA to delete the Whitehall Municipal Wells Site.

DATES: Comments concerning the proposed deletion of the site from the NPL may be submitted on or before October 30, 1990.

ADDRESSES: Comments may be mailed to Karla L. Johnson (5HS-11), Remedial Project Manager, Office of Superfund, U.S. Environmental Protection Agency Region V, 230 South Dearborn Street, Chicago, IL 60604. Comprehensive information on this site is available at the local repository located at: Whitehall Municipal Library, 414 E. Spring, Whitehall, MI. 49461, (616) 894-9531. Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. The address for the Regional Docket Office is William Messenger (5HSM-TUB-7), Region V, U.S. EPA, 111 W. Jackson Boulevard, Chicago, IL. 60604, (312) 353-1057.

FOR FURTHER INFORMATION CONTACT: Karla L. Johnson (5HS-11), Remedial Project Manager, Office of Superfund, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL. 60604, (312) 886-5993; or Dan O'Riordan (5PA-14), Office of Public Affairs, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, IL. 60604, (312) 886-4359.

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I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete the Whitehall Municipal Wells site, Whitehall Michigan from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and request comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Response Trust Fund (FUND). Pursuant to Section 105 (e) of CERCLA, any site deleted from the NPL remains eligible for further Fund-financed remedial action should future conditions at the site warrant such action.

The EPA will accept comments on this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the history of the site and how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with § 300.425(e) of the NCP, sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria has been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site, EPA must first determine that the remedy, or existing site conditions at the sites where no action is required, is protective of public health, welfare, and the environment. In addition, § 300.425(e)(2) of the NCP states that no site shall be deleted from the NPL until that state in which the site is located has concurred on the proposed deletion.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) states that whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the hazard ranking system (HRS).

Deletion of sites from the NPL does not in itself create, alter, revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e)(1) of the NCP has been met, EPA may formally begin deletion

procedures. The first steps are the preparation of a Superfund Site Closeout Report and the establishment of the local information repository and the Regional deletion docket. These actions have been completed. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30 day public comment period. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this Responsiveness Summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**. However, it is not until the next official NPL rulemaking that the site would actually be deleted.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete the Whitehall Municipal Wells site, Whitehall, Michigan from the NPL.

The City of Whitehall is located in the western part of the Lower Peninsula of Michigan on the shore of Lake Michigan. The Whitehall Municipal Wells site is located in the northeast portion of Whitehall, Michigan. The site is in Funnel Field, north of Colby Street and south of the ravine and backwaters of the White River. Production well #3 (PW3) supplied potable water to a population of approximately 3,000 while in service. PW3 was permanently abandoned as of September 1, 1989.

In October 1980, a routine quarterly analysis of the city's water supply by the Michigan Department of Public Health (MDPH) revealed the presence of perchloroethylene (PCE) in a sample collected from Whitehall City Hall. Subsequent resampling and analysis confirmed the presence of the contaminant and eventually PW3 was determined to be the source of the problem. In early 1981, MDPH recommended that the city use PW3 only on an emergency basis and that it be eventually replaced. The initial response from the city was to take PW3 off-line and increase pumpage in PW2, 4, and 5 in order to maintain an adequate water supply. The city continued to use PW3, but on an "as needed" basis at

reduced pumpage rates until October 1988.

The nearby laundromat/dry cleaner was a primary suspect for the PCE contamination in the well. On May 18, 1981, soil samples were collected around the facility and chemical analysis revealed 1.0 mg/kg of PCE. Since that time, the facility changed hands and the new owner has eliminated the PCE leakage problem.

Residential wells located northeast of PW3 were tested as part of the Site Investigation (SI). Samples collected from homes along Peterson Road in May 1982 indicated that the area groundwater was contaminated with volatile organic compounds (VOCs). Additional sampling indicated that Whitelake Landfill and Shellcast, Inc. were the source of this contamination, and a separate contamination problem from the one involving PW3. In April 1985, Shellcast and Whitelake Landfill entered into a Consent Order with the United States Environmental Protection Agency (U.S. EPA) to provide a permanent water supply to the residences whose wells were contaminated and to conduct further hydrogeological investigations. Both Shellcast and Whitelake Landfill are currently in the pre-remedial state and waiting for the final scoring process for possible inclusion on the NPL.

In September 1984, the Whitehall Municipal Wells site scored high enough to be placed on the NPL of sites eligible for investigation and cleanup under the Superfund program.

The SI follow-up was conducted from May 1986 to April 1988 to determine the nature and extent of contamination at the Whitehall Municipal Wells site. A geophysical investigation was performed at the site on May 26 and 27, 1987. Resistivity techniques were used because of the presence of overhead wires, underground wires and underground pipelines. A soil gas survey was performed at the site on May 25 and 27, 1987. The purpose of the survey was to determine the presence of VOCs at detectable concentrations. Also, during the SI follow-up, five cluster wells were installed in addition to the monitoring wells put in by the city and the SI contractor. Subsequently, groundwater samples and soil samples were collected.

Although extensive groundwater investigation was performed, no discrete source of contamination was found. In addition, although contamination was found in PW3 initially, quarterly sampling revealed no contamination from 1982 to the time of its permanent closure in 1989. The predominant factor in permanent closure was not the

previous contamination of the well, but rather its poor production capacity due to its age and extensive rehabilitation costs. Also, a new well and storage facilities built since 1980 have reduced any need for obtaining water from PW3.

The Remedial Investigation (RI) was conducted from March 1988 to May 1989 to eliminate any data gaps from the SI follow-up, and to confirm the absence of any contamination problem at the site. During the RI, all the monitoring wells were resampled. The RI continued to show absence of any contamination at the site.

A baseline risk assessment of the site was prepared in February 1990. It concluded that the site was not of public health concern under current conditions because of the absence of human exposure to significant levels of hazardous substances. No environmental and human exposure pathways were identified since the closure of PW3. However, human exposure to low levels of PCE and potentially other VOCs had probably occurred in the past via contaminated groundwater.

On September 29, 1989, a Record of Decision (ROD) was signed which approved the "No Further Action" remedy. The State of Michigan concurred with the ROD on September 26, 1989.

A community relations plan was submitted to and approved by the U.S. EPA. Community Relations activities included conducting interviews with residents and local officials, public meetings, and the publication of a factsheet on the RI and Proposed Plan. Based on interviews conducted, it is evident that interest is focused, not on the Whitehall Municipal Wells site, but on the Whitelake Landfill site located nearby. Efforts have been made to maintain contact with the citizens group and to address their concerns as much as possible. An informal meeting was held with the citizens group on August 9, 1989.

The dates of the public comment period, the date and location of a public hearing and a summary of the Proposed Plan were announced through a legal notice in a local newspaper.

The Whitehall Municipal Wells Proposed Plan, which includes a description of the investigation findings and conclusions, was mailed to those on the community relations mailing list and was available along with the Administrative Records at the information repository at the Whitehall Municipal Library in Whitehall.

The public hearing was held at the Whitehall City Hall, 405 Colby Street, on

August 24, 1989 to discuss the RI and the preferred alternative. Approximately 30 people were at the hearing. Their concerns were addressed in the Community Relations Responsiveness Summary.

All completion requirements for this site have been met as specified in OSWER Directive 9320.2-3A. Sampling has verified that PW3 was free of any contamination. Furthermore, PW3 has been permanently closed by the City of Whitehall. Therefore, the ROD of September 29, 1989 recommended "No Further Action". Because this remedy will not result in hazardous substances remaining on-site above health-based levels, the five-year review will not apply to this action.

Dated: September 10, 1990.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.
[FR Doc. 90-22438 Filed 9-20-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-7000]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:
John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, flood plains.

PART 67-[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ARKANSAS	
Benton County (Unincorporated Areas)	
<i>Little Osage Creek:</i>	
Approximately .3 mile downstream of State Route 102.....	*1,264
Approximately 700 feet downstream of State Route 102.....	*1,269
Maps available for inspection at the Benton County Courthouse, Bentonville, Arkansas. Send comments to The Honorable Bruce Rutherford, Benton County Judge, 203 East Central, room 201, Bentonville Arkansas 72712.	
Black Rock (City), Lawrence County	
<i>Black River:</i>	
At approximately 500 feet downstream of the downstream corporate limits.....	*262
At the most upstream corporate limits.....	*264
Maps available for inspection at the City Hall, Main Street, Black Rock, Arkansas. Send Comments to The Honorable Jackie Hanan, Mayor of the City of Black Rock, Lawrence County, City Hall, Main Street, Black Rock, Arkansas 72414.	
Lawrence County (Unincorporated Areas)	
<i>Black River:</i>	
At approximately 42.69 river miles above the confluence of the White River.....	*243
At approximately 47.57 river miles above the confluence of the White River.....	*245
At approximately 65.75 river miles above the confluence of the White River.....	*259
At approximately 72 river miles above the confluence of the White River.....	*264
<i>Big Running Water Creek:</i>	
Approximately .73 mile downstream of State Route 228.....	*247
At approximately .49 mile upstream of State Route 228.....	*249
<i>Spring River:</i>	
At approximately 1.54 miles downstream of U.S. Route 62.....	*283
At approximately 1.50 miles upstream of U.S. Route 62.....	*292
At approximately 1,690 feet downstream of Burlington Northern Railroad.....	*304
At approximately 2.17 miles upstream of County Route 22.....	*312
Maps available for inspection at the County Courthouse, Main Street, Walnut Ridge, Arkansas. Send comments to The Honorable Alex Latham, Lawrence County Judge, County Courthouse, Main Street, Walnut Ridge, Arkansas 72476.	
Portia (Town), Lawrence County	
<i>Black River:</i>	
Approximately 1.6 miles downstream of U.S. Route 63 and State Route 25.....	*260
Approximately .5 mile upstream of Burlington Northern Railroad.....	*263
Maps available for inspection at the City Hall, Grove Street, Portia, Arkansas. Send comments to The Honorable James Penn, Mayor of the Town of Portia, Lawrence County, Grove Street, Portia, Arkansas 72457.	
Powhatan (Town), Lawrence County	
<i>Black River:</i>	